

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

01-R-0413

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM  
OF TERRON MITCHELL, THROUGH HIS ATTORNEY,  
DARRELL L. BURROW AGAINST THE CITY OF ATLANTA  
AND FOR OTHER PURPOSES**

WHEREAS, Terron Mitchell, through his attorney, Darrell L. Burrow has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by DeWitt W. Martin, an employee of the Department of Planning and Development, and Mr. Mitchell's vehicle; and

WHEREAS, the collision occurred when the City employee was following too closely and rear ended the claimant's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$12,698.00, but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Terron Mitchell, through his attorney, Darrell L. Burrow be settled for the sum of \$2,000.00.

WHEREAS, this claim was previously denied by City Council on November 6, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1754 be hereby rescinded and that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Terron Mitchell, through his attorney, Darrell L. Burrow may have stemming from damages sustained as a result of a vehicular collision that occurred at 935 Ralph David Abernathy Boulevard on or about June 29, 2000.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

**DARRELL L. BURROW, P.C.**

**ATTORNEY AT LAW**  
4812 - A OLD NATIONAL HIGHWAY  
COLLEGE PARK, GEORGIA 30337

TELEPHONE: (404) 559-1121  
FACSIMILE: (404) 559-1118

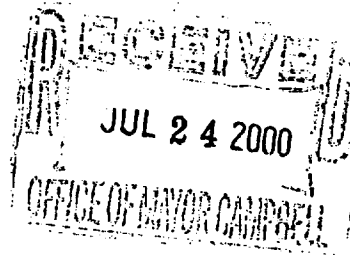
ENTERED - 8-1-00 - SB  
00L0458 - DIANNE MITCHELL

MAILING ADDRESS:  
P. O. BOX 640067  
ATLANTA, GEORGIA 30364

July 17, 2000

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Z 397 178 144

Bill Campbell, Mayor  
City of Atlanta  
55 Trinity Avenue, SW  
Atlanta, Georgia 30335



ANTE LITEM NOTICE PURSUANT TO O.C.G.A. 36-33-5

**RECEIVED**

RE: My Client: Terron Mitchell  
City Employee: Detwitt Walker Martin  
Date of Incident: 06/29/2000

JUL 26 2000

**CITY OF ATLANTA  
OFFICE OF MAYOR**

NOTICE IS HEREBY GIVEN, pursuant to O.C.G.A. 36-33-5, that Terron Mitchell intends to pursue his claim for personal injuries against the above-named party and the City of Atlanta; and, as required by law, you are notified as follows:

1. That on June 29, 2000, at approximately 1:00 p.m., Terron Mitchell was traveling westbound on Ralph David Abernathy Boulevard approaching Ashby Street in the City of Atlanta, Fulton County..
2. Detwitt Walker Martin, driving a 1999 Ford Taurus owned by the City of Atlanta, was negligent in that he was unable to bring his vehicle to a stop as he was traveling behind the vehicle being driven by Terron Mitchell.
3. Detwitt Walker Martin rear-ended the vehicle being driven by Terron Mitchell.
4. Terron Mitchell received injuries to his back and neck as a result of this incident and was taken to Grady Hospital from the scene of the incident.
5. Terron Mitchell will be making a claim for person injuries, lost earnings, medical expenses, physical and mental pain and suffering, and future mental and physical pain and suffering.
6. The injuries suffered by Terron Mitchell were caused by the negligence of Detwitt Walker Martin, who was operating the vehicle owned by the City of Atlanta.

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0458

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND AND NO/100  
       DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to DeWitt W. Martin, from any and  
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for  
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 29<sup>th</sup> day of June, 2000,  
at or near 935 Ralph David Abernathy Boulevard

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 15<sup>th</sup> day of February, 2001.

Terron L. Mitchell (LS)  
**TERRON MITCHELL**

Darrell L. Burrow (LS)  
**DARRELL L. BURROW, ATTORNEY AT LAW**

The above release was read and explained to, and signed by the said Terron Mitchell  
and Darrell L. Burrow in our presence on the date above written.

M. Amos  
Rana Wright  
Witnesses